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September 14, 2017

Via ECF

The Honorable Sidney H. Stein  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *Leber v. Citigroup Inc.*, No. 07 Civ. 9329 (SHS)

Dear Judge Stein:

I write on behalf of Plaintiffs to bring to the Court's attention supplemental authority in support of Plaintiffs' Motion for Class Certification, (Dkt. No. 213): *Moreno v. Deutsche Bank Americas Holding Corp.*, No. 15-9936, 2017 WL 3868803 (S.D.N.Y. Sept. 5, 2017). (Attached as Ex. A).

In *Moreno*, Judge Schofield certified, under Rule 23(b)(1)(B), a class of participants in the Deutsche Bank Matched Savings Plan. *Moreno* raises claims like those at issue here about self-dealing through proprietary funds in a 401(k) plan. The plan in *Moreno* included 22 core investment funds, ten of which were proprietary funds. *Id.* at \*2. The named plaintiffs invested in some, but not all, of the challenged funds. *Id.* at \*10. The Court held the named plaintiffs had standing to assert claims on behalf of all class members, including claims with respect to funds in which the named plaintiffs did not personally invest. *Id.* ("Plaintiffs have class standing to pursue the claims on behalf of absent class members, including those who invested in proprietary or non-proprietary funds offered by the Plan in which none of them invested.") The Court thus rejected the chief argument Defendants in this case advanced in their opposition to class certification—that the named Plaintiffs lack standing to bring claims with respect to funds in which they did not invest. (Dkt. No. 233 at 9-16). The Court also rejected challenges to commonality, typicality, and the requirements of Rule 23(b)(1)(B) like those asserted by Defendants in this case. *Id.* at \*4-\*10.

For these reasons, as well as the reasons in Plaintiffs' brief in support of class certification (Dkt. No. 214), reply brief (Dkt. No. 238), and Plaintiffs' previous discussion of subsequent authority (Dkt. Nos. 253, 255, 258, 260 & 261), Plaintiffs' motion for class certification should be granted.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Gregory Y. Porter". The signature is written in a cursive, flowing style.

Gregory Y. Porter